

REMARKS

Claims 14-33 are in the application. All of the claims were rejected under Section 102 as anticipated by Kammoun (translation of EP 1 304 896 A2). The arguments presented in the rejection are traversed in part. Reconsideration is requested in view of the above amendments and the following remarks.

First, Applicant requests that if the Examiner continues to rely upon the Kammoun reference, the Examiner provide a proper translation thereof instead of a translation produced by an automated process. In this regard, the basis for “finding” certain claimed features in this reference is, at best, questionable and it would lend credibility to the examination process if ambiguity and error resulting from use of this auto-translation were more certainly removed, i.e., by providing an accurate and grammatically correct translation.

In response to the outstanding objection to the drawings, a replacement sheet is transmitted herewith to present Figures 3A and 3B with the requested revision. Applicant has also amended many of the claims to remove errors of an apparent nature and more clearly present the inventive subject matter.

Applicant now requests reconsideration of independent claim 14 because, contrary to the rejection, the Kammoun reference does not disclose or imply all of the claimed features. As a first example, the rejection cites paragraph [0025] of Kammoun for disclosing

“synchronizing the base station in the measuring operating mode with the base stations operating in normal mode ...”

and cites paragraph [0002] of Kammoun for disclosing

“measuring a quality of synchronicity after synchronizing ...”

With respect to the “synchronizing” step, the rejection alludes to language of “measuring the present topology become detected ... [sic] ...” in par [0025]. Applicant cannot find any relation between any disclosure in the subject paragraph [0025] and the claimed “synchronizing” step. Nor can applicant find any relation between any disclosure in the subject paragraph [0002] and the claimed “measuring” step. Further, the quality of the Kammoun translation renders it difficult for the Examiner to clearly establish whether or not the claim is anticipated.

Based on the above distinctions claim 14 and all claims which depend therefrom are allowable. If the Examiner disagrees, it is incumbent upon the Examiner to provide a clear and more definite basis for finding each claimed feature in the prior art.

Applicants also traverse the rejection of claim 15 on the basis that the Kammoun reference does not teach the amended claim limitations of

“wherein the step of evaluating the strength and quality by the evaluation unit provides a current evaluation result based on measured field strength when one of the base stations is in a measuring operating mode and a comparison of measured field strength with a previous evaluation result.”

The rejection of claim 15 cites paragraph [0006] of the Kammoun reference based on disclosure of “measured and stored” but applicant cannot find any reference to any “previous evaluation result” in the citation.

Applicant also traverses the rejection of amended claims 18 and 23 on the basis that the Kammoun reference does not teach the amended claim limitations of

“wherein the evaluation unit creates a field string map for determining the position of a mobile unit”

because the citation to paragraphs [0007] – [0008] in the Kammoun reference does not appear supportive of the rejection. As a minimum the Examiner should explain how it was believed that the citation could possibly have been construed to refer to determine a position.

Applicant also asks that the Examiner reconsider the rejection of claim 24 and the claims which depend from claim 24 for similar or identical reasons presented above with regard to claim 14.

Further, the citation to separately reject claim 27 is in error for reasons similar to those argued with respect to claim 18 and 23. Also, the rejection of claim 29 should be removed for reasons similar or identical to the reasons presented above with regard to claim 15.

Conclusion

The undersigned attorney hereby represents under 37 CFR 1.34 that he is authorized to represent the applicants in this application.

Respectfully submitted,

Dated: _____

By: _____/Ferdinand M. Romano/_____

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Enclosure: Replacement Sheet of Drawing